

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 7:18-CR-133-FL

UNITED STATES OF AMERICA

v.

DORA MAYBE DAMATTA-RODRIGUEZ

MOTION TO CONTINUE
ARRAIGNMENT

The defendant, Dora Maybe Damatta-Rodriguez, by and through undersigned counsel, hereby moves the Court to the arraignment in the above-captioned case for thirty (30) days. In support of this Motion, Ms. Damatta-Rodriguez states the following:

(1) In a two count indictment, the grand jury has charged Ms. Damatta-Rodriguez with making a false statement and claim of United States Citizenship in order to register to vote and with voting by a noncitizen. 18 U.S.C. §§ 1015(f) and 611(a).

(2) This Court has set Ms. Damatta-Rodriguez's arraignment for Friday, October 19, 2018.

(3) The parties anticipate that this matter will ultimately be resolved by a plea.

(4) Ms. Damatta-Rodriguez's criminal case has required undersigned counsel to familiarize himself with various aspects of federal immigration law, a subject area outside his normal range of practice.

(5) Counsel wishes to resolve several immigration-related issues so that he may discuss the possible impact of this criminal case upon her immigration status. *See*

(6) Additionally, Hurricane Florence impeded counsel's ability to meet with Ms. Damatta-Rodriguez (who is not in custody) to discuss her legal options, including those touching on her current status, and to review discovery with her. Ms. Damatta-Rodriguez's city of residence was

significantly impacted by the hurricane, and for at least a week following the storm counsel could not locate her and had no contact with her.

(7) For these reasons, Ms. Damatta-Rodriguez respectfully requests that the Court continue the arraignment to its November 2018 term of court.

(8) Undersigned counsel has discussed this motion with Assistant United States Attorney Sebastian Kielmonovich, and the government has no objection to the relief requested herein.

(9) This motion is made in good faith and not for the purpose of delay. Neither the government nor the Defendant would be prejudiced by the continuance sought herein.

WHEREFORE, Ms. Damatta-Rodriguez respectfully requests that arraignment be continued to the November 2018 term of court. The ends of justice served by granting this Motion outweigh the interests of the public and the Defendant in a speedy trial as set forth in 18 U.S.C. § 3161(h)(7)(A).

Respectfully requested this 11th day of October, 2018.

G. ALAN DuBOIS
Federal Public Defender

/s/ Stephen C. Gordon
STEPHEN C. GORDON
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LR 57.1 Counsel
Appointed

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served upon:

SEBASTIAN KIELMANOVICH
Assistant United States Attorney
Suite 800, Federal Building
310 New Bern Avenue
Raleigh, NC 27601-1461

by electronically filing the foregoing with the Clerk of Court on October 11, 2018, using the CM/ECF system which will send notification of such filing to the above.

This the 11th day of October, 2018.

/s/ Stephen C. Gordon
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